

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

IN RE TELESCOPES ANTITRUST
LITIGATION

Case Nos. 20-cv-03642-EJD (VKD)
20-cv-03639-EJD (VKD)

**ORDER RE FURTHER PROCEEDINGS
RE DPPS' MOTION TO ENFORCE
DISCOVERY ORDER AND FOR
SANCTIONS**

Re: Dkt. No. 318

The Court held a hearing on the Direct Purchase Plaintiffs' ("DPPs") motion (Dkt. No. 318) to enforce the Court's November 9, 2022 discovery order regarding defendants' production of transactional data (Dkt. No. 277). Dkt. No. 378.¹ Although the Indirect Purchase Plaintiffs ("IPPs") were not a party to the motion, they participated in and were heard at the hearing.

For the reasons explained at the hearing, the Court orders all parties (DPPs, IPPs, and defendants) to confer and agree on a date, time, and place for a meeting of all parties regarding defendants' production of relevant transactional data, including specifically the data called for in plaintiffs' RFP No. 96. At the meeting, the parties must have a candid discussion of how to facilitate the production of defendants' transactional data or use the productions that have already been made. The discussion must at least include the topics in item 2 of the Court's November 9, 2022 order. The meeting will be in person, subject to the parties agreeing to accommodate the need for an attendee to participate by videoconference. The meeting must be attended by the parties' counsel and by a technical/data expert (whether retained or employed) for each party. The

¹ All citations are to the docket in Case No. 20-3642.

1 Court expects that DPPs will have at least Mr. Groves attend and that defendants will have at least
2 Mr. Ayres attend. The meeting will not be recorded by any audio, audiovisual, or stenographic
3 means; however, the parties may take notes for the purpose of facilitating the discussion and
4 documenting agreements and disagreements. The parties shall endeavor to hold this meeting no
5 later than **April 19, 2023**.

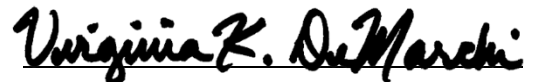
6 On **April 6, 2023**, the parties shall jointly advise the Court of the date, time, and place of
7 the meeting.

8 **No later than 4 court days after the meeting**, the parties shall file a joint status report
9 advising the Court of the status of their efforts to resolve their disagreements about defendants'
10 production of transactional data, including what agreements were reached and what disagreements
11 remain, and, if appropriate, the dates on which any further productions of transactional data or
12 information will be made. The joint status report must not contain argument, only facts.

13 The Court will defer ruling on DPPs' motion for sanctions until after it receives the parties'
14 status report, and will at that time determine and direct whether DPPs should make a further
15 submission parsing the fees and costs incurred for particular work done in connection with this
16 dispute.

17 **IT IS SO ORDERED.**

18 Dated: April 5, 2023

19
20 
21 VIRGINIA K. DEMARCHI
22 United States Magistrate Judge
23
24
25
26
27
28